

DIVISION OF MINERAL RESOURCES MANAGEMENT  
ASSESSMENT OFF4475ICER WORKSHEET

N.O.V.# 21871 PERMIT #: D-425 CPA #

SERIOUSNESS: Total: \$200.00

- 1) YES Did the violation cause damage to permitted or unpermitted land? (\$400.00)  
No X
- 2) Yes Did the violation cause irreparable or irreversible damage to permitted or unpermitted land? (\$400.00)  
NO X
- 3) Yes Did the violation cause a situation which increased the probability of the public health or safety being adversely affected? (\$400.00)  
No X
- 4) Yes X If an administrative violation (e.g. maps, permits, blast records, failure to notify for inspection purposes, etc.), did the violation obstruct enforcement or deny the Division or public the opportunity to exercise enforcement or permitting requirements? (\$200.00)  
No  
NA

Explain:

Failure to submit the plans & time schedule denies the Div. and the public the opportunity to enforce the underground mining mitigation requirements and may delay the repairs.

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Negligence: TOTAL: \$200.00

- 5) YES X  
NO Was the violation avoidable by the exercise of reasonable care? (\$200.00)
- 6) YES  
NO X Was the violation a reckless act or a result of recklessness (\$500.00)
- 7) YES  
NO X Was the violation knowingly or intentionally committed for economic gain from production (i.e. removal of overburden and/or coal)? (\$2,200.00)

Explain:

The operator should be aware of the requirements to submit site specific mitigation plans & time schedule. Exercise of reasonable care would have prevented the violation.